IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4198 OF 2007

Abdul Salam ...Petitioner
V/s.
The State of Maharashtra & Anr. ...Respondents

Mr.S.S. Bhise, Advocate, for the Petitioner. .
Mr.P.M. Khemani, AGP, for Respondent No.1. .
Mr.R.S. Apte, Advocate, for Respondent No.2. .

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 11TH JUNE, 2007.

P.C. :

1. Heard the learned Counsel for the parties.

2. The learned Counsel for the Petitioner submits that in view of the fact that the Corporation has passed an order, a copy of which is tendered in this Court alongwith a copy of the certificate issued by Structural Engineers and Consultants, the Petitioner seeks liberty to withdraw the Petition and file a fresh Petition challenging the order dated 5th June, 2007.

3. The copies of the documents tendered by the learned Counsel for the Petitioner taken on record and marked "X" collectively for identification. Petitioner is permitted to withdraw with liberty to file fresh petition in order to challenge the order dated 5th June, 2007 passed by the Municipal Corporation.

4. The Petition is disposed of as withdrawn. In view of the fact that the building was declared dilapidated in the year 1999 and is partly demolished, we are not inclined to continue the interim order granted by this Court in Summer Vacation in the matter as it involves a risk factor to human lives and properties on the eve of monsoon.

[J.N. PATEL, J.]

[A.A. SAYED, J.]